

CHAPTER 20

FAIR HOUSING CODE

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20.01 POLICY STATEMENT. It is the policy of the City to provide, within constitutional limitations, for fair housing throughout the City of Baraboo.

20.02 DEFINITIONS. Certain words or terms in this chapter are defined for the purpose hereof as follows:

- (1) **DISCRIMINATE AND DISCRIMINATION.** To segregate, separate, exclude or treat a person or class of persons unequally because of sex, race, color, sexual orientation, disability, religion, national origin, marital status, family status, lawful source of income, age, ancestry, or any other forms of discrimination prohibited by §101.22 of the Wisconsin Statutes. It is intended that the factors set forth herein shall be the sole basis for prohibiting discrimination. (1774 12/15/94)
- (2) **DISABILITY.** A physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in §961.01(4) or 961.01(4m), Wis. Stats., unless the individual is participating in a supervised drug rehabilitation program. (1774 12/15/94)
- (3) **HOUSING.** Any improved property, including any mobile home as defined in §66.0435, Wis. Stats., which is used or occupied, or is intended, arranged or designed to be used or occupied, as a home or residence.
- (4) **UNIMPROVED RESIDENTIAL LOT.** Any residential lot upon which no permanent building or structure containing living quarters has been constructed.
- (5) **ADDITIONAL DEFINITIONS.** The definitions of terms found in §106.50, Wis.Stats. are hereby adopted and by reference made a

part of this Chapter as if fully set forth herein. Any future amendments, revisions or modifications of the definitions contained in §106.50, Wis. Stats., are intended to be made a part of this Chapter. (1774 12/15/94)

- 20.03 DISCRIMINATION PROHIBITED.** It is unlawful for any person to discriminate:
- (1) By refusing to sell, lease, finance or contract to construct housing or by refusing to discuss the terms thereof.
 - (2) By refusing to permit inspection or exacting different or more stringent price, terms or conditions for the sale, lease, financing or rental of housing.
 - (3) By refusing to finance or sell an unimproved residential lot or to construct a home or residence upon such lot.
 - (4) By publishing, circulating, issuing or displaying, or causing to be published, circulated, issued or displayed, any communication, notice, advertisement or sign in connection with the sale, financing, lease or rental of housing, which states or indicates any discrimination in connection with housing.
 - (5) For a person in the business of insuring against hazards, by refusing to enter into, or by exacting different terms, conditions or privileges with respect to, a contract of insurance against hazards to a dwelling.
 - (6) By refusing to renew a lease, causing the eviction of a tenant from rental housing or engaging in the harassment of a tenant.

20.04 EXCEPTIONS.

- (1) Nothing in this chapter shall prohibit discrimination on the basis of age in relation to housing designed to meet the needs of elderly individuals.
- (2) Nothing in this chapter shall prohibit a person from exacting different or more stringent terms or conditions for financing housing based on the age of the individual applicant for financing if the terms or conditions are reasonably related to the individual applicant.

- (3) Nothing in this chapter shall prohibit the development of housing designed specifically for persons with a handicap and discrimination on the basis of handicap in relation to such housing.
- (4) This chapter shall not apply to a religious organization, association or society or any nonprofit institution or organization operating, supervised or controlled by or in conjunction with a religious organization, association or society which limits the sale, rental or occupancy of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, sex or national origin.
- (5) This chapter shall not apply to a private club not in fact open to the public which, as an incident to its primary purpose, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.
- (6) This chapter shall not apply to any single-family house sold or rented by an owner; provided that:
- Such private individual owner does not own more than 3 such single-family houses at any one time.
 - In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24 month period.
 - Such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than 3 such single-family houses at any one time.
 - The sale or rental of any such single-family house shall be excepted from the application of this chapter only if such house is sold or rented:
 - Without the use in any manner of the sales or rental facilities or the rental services of any real estate broker, agent or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman or person.
 - Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code §3604(c) or of §20.03 of this chapter; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.
- (7) This chapter shall not apply to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than 4 families living independently of each other if the owner actually main-tains and occupies one of such living quarters as his residence.
- (8) Nothing in this chapter shall prohibit any owner or agent from requiring that any person who seeks to buy, rent or lease housing supply information concerning family, marital, financial and business status which may include information from previous landlord payment completed compensation, good order and physical condition of the previous abode, but not concerning race, color, creed, sex, handicap, sexual orientation or national origin.
- 20.05 REPRESENTATIONS DESIGNED TO INDUCE PANIC SALES PROHIBITED.** No person may induce or attempt to induce any person to sell, rent or lease any dwelling by representations regarding the present or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, sexual orientation or economic status, or by representations to the effect that such present or prospective entry will or may result in:
- The lowering of real estate values in the area concerned;
 - A deterioration in the character of the area concerned;
 - An increase in criminal or antisocial behavior in the area concerned; or
 - A decline in the quality of the schools or other public facilities serving the area.
- 20.06 ENFORCEMENT PROCEDURE.**
- The Baraboo Community Development Authority shall have the right, power, authority and responsibility to investigate complaints charging violations of this chapter, to make a prompt and full investigation of

each such complaint, and to request the City Attorney to commence proceedings in the appropriate court in the name of the City for the enforcement of this chapter. The City Attorney, upon the request of the Community Development Authority, may issue a complaint if, in his judgment, an action of discrimination is sustainable in court.

- (2) Any person claiming to be aggrieved by an alleged discriminatory practice or act contrary to the provision of this chapter may, in person or through a duly authorized representative, make, sign and file a complaint with the Baraboo Community Development Authority.
- (3) The complaint shall be in writing and signed before a notary public on a form supplied by or acceptable to the Baraboo Community Authority. Each complaint shall contain the following:
 - (a) Full name and address of the person making the complaint.
 - (b) Full name and address of the person against whom the complaint is made.
 - (c) A plain and concise statement of the facts constituting the alleged unlawful discriminatory practice or act.
 - (d) The date or dates of the alleged unlawful discriminatory practice or act.
- (4) A complaint shall be filed with the Baraboo Community Development Authority as soon as possible after the date of the alleged discriminatory practice or act, but it shall be filed within 30 days after the aggrieved person becomes aware of the alleged discriminatory practice or act, and in no event more than 60 days after the alleged discriminatory practice or act occurred.
- (5) Upon receipt of a verified complaint as herein above provided, the Baraboo Community Development Authority shall promptly conduct or cause to be conducted an investigation of the allegations contained therein. The person against whom such complaint has been made shall be notified of the complaint made and a copy of the complaint shall be served upon said respondent. The initial complaint shall be served prior to the commencement of the investigation by the Community Development Authority. The respondent shall be invited to respond in writing within 10 days of the date of receipt of the complaint. The answer shall be a written statement by the respondent who replies to the allegations of the complainant. Each answer shall contain the following:

The respondent's current address.

1. An admission of any allegations in the complaint that are true.
2. A specific denial of each and every allegation of the complaint that the respondent disagrees with.

3. A denial of any allegation for which the respondent does not have enough knowledge or information to form an opinion about its truth or falsity.
4. A statement of any matter constituting a defense to the complainant's charges.

- (6) The Community Development Authority shall attempt to resolve the dispute between the complainant and the respondent by conference, conciliation and persuasion unless either party requests the Authority not to undertake conciliation. If the Authority cannot achieve a resolution acceptable to both parties, it may either forward the complaint, answer and its findings to the City Attorney for prosecution under this chapter or it may forward such information to the appropriate State and/or Federal agencies as it deems appropriate. The Authority may dismiss a complaint if the complainant fails to respond within 10 days from the receipt of any correspondence from the Authority concerning the complaint provided that such correspondence was sent by certified mail, return receipt requested, to the last known address of the complainant.

20.07 OTHER REMEDIES. Nothing herein contained shall prevent any person from exercising any right or seeking any remedy to which said person might otherwise be entitled under State and/or Federal law.

20.10 PENALTY. Any person who willfully violates any provision of this chapter shall be subject to a forfeiture of not less than \$100 nor more than \$1,000, together with the costs and assessments as provided by §25.04(1) of this Code.